

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
V.	§	Cr. No. C-99-372 (7)
	§	
YESENIA LEAL.	§	

**ORDER FOR APPELLANT TO PROVIDE ADDITIONAL INFORMATION**

Appellant Yesenia Leal seeks leave to proceed on appeal *in forma pauperis* from the Court's sealed order (D.E. 201) denying her post-conviction motion. (D.E. 206.) In her *ifp* motion, she avers under penalty of perjury that she does not have any cash, checking or savings account, has not received any income within the last twelve months, and has no valuable assets or property. (D.E. 206 at 2.) She thus asks permission to appeal *in forma pauperis*.

In order for the undersigned to rule on her motion, Appellant must provide additional information. See Rule 24, Fed. R. App. P. (directing a defendant who desires to appeal *in forma pauperis* to provide detailed financial information). Although Appellant has provided some information concerning her finances, she has not provided any information concerning her prison trust fund account.

In light of the foregoing, the undersigned orders that, ***within twenty days of the entry of this order***, Appellant shall file with the Clerk a full and complete *in forma pauperis* application, ***including*** information from the institution where she is incarcerated certifying

the balance in her inmate trust account, certifying the average balance during the six months preceding her application, and showing transactions for the same period. Once this information is received, the undersigned will then rule on Appellant's motion to proceed *in forma pauperis*. To that end, the Clerk is directed to provide a blank *in forma pauperis* application to Leal.

Finally, the undersigned notes that, three days after receipt of Leal's motion by the District Court Clerk, Leal's appeal was dismissed by the Fifth Circuit because she failed to timely pay the docketing fee. (D.E. 207.) Because her appeal could be reinstated if she is granted *ifp* status and because she filed her *ifp* motion prior to the dismissal of her appeal, the undersigned will nonetheless rule on her *ifp* motion, instead of treating it as mooted by the dismissal of her appeal.

### **CONCLUSION**

The Clerk is directed to provide Appellant with a blank copy of an *in forma pauperis* application. The undersigned orders that, ***not later than twenty days after the entry of this order***, Appellant shall file with the Clerk a completed *in forma pauperis* application, including the information concerning her prison account as set forth above.

It is ORDERED this 18th day of March, 2008.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE